

senators to the Secretary of the Department of Homeland Security to reverse what has become a successful campaign by drug cartels to infiltrate U.S. law enforcement. At risk here is more than drug trafficking. National security is also threatened because border weaknesses can be exploited by terrorists to transport operatives and weapons into the U.S.

At a recent hearing I chaired in a subcommittee of the Homeland Security Committee, witnesses revealed that while an array of U.S. Government agencies have been targeted for infiltration by the cartels, the U.S. Customs and Border Protection, known as CBP, has been shockingly susceptible to the threat. Federal investigators testified that 129 CBP officials have been arrested on corruption charges since 2003. In addition, the DHS Inspector General opened 576 allegations of corruption within CBP in 2009. Now, the vast majority of CBP officers are good, decent, hard-working people. That is why we need to help them root out those that are corrupting the system.

Some of CBP's susceptibility to infiltrate is the result of the high-threat environment in which CBP works. But it is also because the dramatic increases in staff levels since 2003—which is a good thing—means that the agency doesn't always meet its own guidelines for screening of job applicants and existing employees. That is not as good, and we need to take action to make sure that the processes in place to uncover infiltration and corruption are effective.

Established personnel integrity policies call for polygraph examinations and background investigations of all job applicants for CBP law enforcement positions as part of the screening process prior to being offered employment, however less than 15 percent received the full screening in 2009. CBP also has a 10,000 person backlog on these reinvestigations of existing personnel.

There are also indications that there may be coordination and information sharing problems between the DHS components responsible for investigating corruption. Evidence of these problems include a December 16, 2009, memo from the DHS Inspector General's office and a March 30, 2010, Washington Post article detailing a lack of coordination between Federal investigators regarding corruption cases.

As we seem to learn over and over again, cooperation and coordination by Federal, state, and local law enforcement is essential to identifying and defeating threats to our national security. The threat of infiltration by drug cartels is no different.

I am deeply concerned that the department responsible for the security of our homeland is falling short in these important areas.

To address these problems, I am sending a letter along with Senators FEINGOLD, WYDEN, and BURRIS to DHS

Secretary Napolitano requesting that she resolve turf issues between investigators and integrity screening shortcomings at CBP. I ask unanimous consent that this letter be inserted in the RECORD after my statement.

I am also introducing the Anti-Border Corruption Act of 2010. My bill requires DHS to address the integrity screening problems at CBP and make progress reports to Congress. Specifically, it requires that DHS take such actions as necessary to ensure that the backlog of periodic background investigations is cleared up within 60 days. It also requires job applicants to receive the polygraph test as required by DHS policy within 2 years.

Finally, I close with a message about and to the men and women at Customs and Border Protection. Despite the unfortunate actions of a few that dishonor a proud tradition at CBP, we know the vast majority of CBP employees are patriotic, honest, and hard-working. We know and value the contribution they make to the safety of America and the risks that they take on our behalf. They deserve and have our thanks, support, and commitment to help them weed out bad elements in their organization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 3243

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Border Corruption Act of 2010".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Protection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

#### SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates or completes all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

#### SEC. 4. PROGRESS REPORT.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

APRIL 21, 2010.

HON. JANET NAPOLITANO,  
*Secretary, Department of Homeland Security,*  
*Washington, DC.*

DEAR SECRETARY NAPOLITANO: In a recent hearing in the Homeland Security and Governmental Affairs Subcommittee on State, Local, and Private Sector Preparedness and Integration on the corruption of U.S. officials by Mexican drug cartels, senior officials of the Department of Homeland Security (DHS) testified that drug cartels are specifically targeting and infiltrating federal law enforcement agencies along the southwest border. These corruption activities encompass almost every layer of the DHS border security strategy.

Of concern are indications that there may be coordination and information sharing problems that result in duplication of investigative efforts between the DHS components responsible for investigating corruption. Evidence of these problems include the attached December 16, 2009, memo from the DHS Inspector General's office asserting jurisdiction over corruption investigations currently being carried out by the Customs and Border Protection Internal Affairs and a March 30, 2010, Washington Post article detailing a lack of coordination between Federal investigators regarding corruption cases. We ask that you assist these DHS components in developing clearly defined roles and responsibilities regarding corruption investigations to ensure proper sharing of information and prevention of duplicative investigations. It is our belief that cooperation and participation by Federal, state, and local law enforcement is essential to eliminating this growing threat to our national security.

Also of concern was testimony regarding significant, growing corruption within U.S. Customs and Border Protection (CBP) where 129 officials have been arrested on corruption charges since 2003. The DHS Inspector General reported that it had opened 576 allegations of corruption within CBP in 2009. It appears that CBP has been susceptible to infiltration and corruption because it occupies the front line in the prevention of smuggling